

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

3 PATTY BEALL, MATTHEW)
MAXWELL, TALINA MCELHANY,)
4 AND KELLY HAMPTON,)
individually and on behalf)
5 of all other similarly)
situated,)

6 Plaintiffs,)

No. 2:08-cv-422VS

7)
8 TYLER TECHNOLOGIES, INC.)
AND EDP ENTERPRISES, INC.,)
9 Defendants.)

10 -----
11 ORAL DEPOSITION OF
12

13 LISA ANN WHITE
14

15 3/29/10
16 -----

17 ORAL DEPOSITION OF LISA ANN WHITE,
18 produced as a witness at the instance of the DEFENDANTS,
19 and duly sworn, was taken in the above-styled and
20 numbered cause on the 29th day of March, 2010, from
21 1:29 p.m. to 4:05 p.m., before TINA TERRELL BURNEY, CSR
22 in and for the State of Texas, reported by machine
23 shorthand, at the offices of SLOAN, BAGLEY, HATCHER &
24 PERRY, 101 East Whaley Street, Longview, Texas 75601,
25 pursuant to the Federal Rules of Civil Procedure.

 **COPY**

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EXHIBIT 6

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1 LISA ANN WHITE,
2 having been first duly sworn, testified as follows:

3 EXAMINATION

4 BY MR. MCKEEBY:

01:29PM 5 Q. Will you please state your name for the
6 record?

7 A. Lisa Ann White.

8 Q. Ms. White, my name is Paulo McKeeby. We met
9 before the deposition, but you understand that I
01:29PM 10 represent the company called Tyler Technologies?

11 A. Yes.

12 Q. In connection with a lawsuit that you joined?

13 A. Yes.

14 Q. And you understand that Tyler Technologies
01:29PM 15 acquired a company called EDP?

16 A. Yes.

17 Q. And you used to work for EDP?

18 A. Yes.

19 Q. Here in Longview?

01:29PM 20 A. Yes.

21 Q. And you never worked for Tyler?

22 A. No.

23 Q. You left EDP before the acquisition?

24 A. Yes.

01:29PM 25 Q. What were your dates of employment with EDP?

1 A. February of '04 to March of '07.

2 Q. And during that time, you were in the
3 designation of client liaison?

4 A. Yes.

01:30PM 5 Q. That was your only job title while you were at
6 EDP?

7 A. Yes.

8 Q. To whom did you report? Who was your
9 supervisor?

01:30PM 10 A. When I began, it was Daniel Knight.

11 Q. Is that K-N-I --

12 A. K-N-I-G-H-T.

13 Q. What was his position?

14 A. He was an implementation manager.

01:30PM 15 Q. And did someone else become your supervisor?

16 A. Lisa Payne.

17 Q. Did she have the same title?

18 A. Yes. All of these did.

19 Q. Okay.

01:30PM 20 A. And then Cathy Mount, C-A-T-H-Y, and Chandra
21 Robbins.

22 Q. And she was the implementation manager when you
23 left EDP's employment?

24 A. Yes.

01:31PM 25 Q. Why did you leave EDP's employment?

1 A. To become the business manager for Dangerfield
2 schools.

3 Q. Just a better job?

4 A. Yes.

01:31PM 5 Q. Is that your current position?

6 A. Yes.

7 Q. And is that the title, business manager?

8 A. Yes.

9 Q. What do you do as business manager for the
01:31PM 10 Dangerfield School District?

11 A. I oversee the financial functions of the
12 district. I supervise two employees. I work with the
13 auditors. I work with TEA on whatever financial
14 functions need to be done.

01:31PM 15 Q. What's TEA?

16 A. Texas Education Agency.

17 Q. Have you always had the same job function since
18 you've been a business manager for the Dangerfield School
19 District?

01:32PM 20 A. Yes.

21 Q. When you applied for a position with the
22 Dangerfield School District, did you provide them with a
23 resume?

24 A. Yes.

01:32PM 25 Q. Does that resume discuss your position with

1 EDP?

2 A. Yes.

3 Q. Is that something you still have access to,
4 your resume?

01:32PM 5 A. Yes.

6 Q. You could give it to your attorney if I asked?

7 A. Yes.

8 Q. Did you apply for any positions other than at
9 the Dangerfield School District between February of '04
01:32PM 10 and March of '07?

11 A. No.

12 Q. Have you ever given live testimony before
13 today?

14 A. No.

01:32PM 15 Q. Well, you're doing fine so far, and I think you
16 pretty much understand that in this format I'm asking you
17 questions that will primarily be about your job at EDP.
18 Do you understand that?

19 A. Yes.

01:32PM 20 Q. And you understand the court reporter has sworn
21 you in and she's taking down my questions and your
22 answers?

23 A. Yes.

24 Q. You're doing so far a real good job of
01:33PM 25 answering me audibly, yes or no, because we need those as

1 A. Well, these are -- they were new to using the
2 software, and they might not know how to print a report,
3 or they might not know how to -- they might -- they were
4 trained, but when you're trained and then later you
02:06PM 5 start using it, there is a lot that you forget that you
6 were trained on. And so they might get in there to do
7 something like reconcile their bank statement, and they
8 couldn't remember how to get started.

9 Q. And that would be an example where you could
02:06PM 10 assist them to help them get started on reconciling a
11 bank statement?

12 A. Yes.

13 Q. And that was based on your previous experience
14 with the software?

02:06PM 15 A. Previous experience, previous to what?

16 Q. To the time that you got the call.

17 A. Yes.

18 Q. To give you an example, a customer calls and
19 says, hey, we've been working on this conversion, we're
02:07PM 20 live, and I'm trying to reconcile a bank report, and I
21 don't remember how to do it. You tell them how to do it
22 based on your own experience, correct?

23 A. I would tell them how to do it based on
24 reading the manual.

02:07PM 25 Q. Would that be something that you would have to

1 pull from the shelf to read?

2 A. At first.

3 Q. And then you would gain experience where you
4 wouldn't have to do it?

02:07PM 5 A. Right.

6 Q. What manual are you talking about?

7 A. The EDPro financial or HR manual.

8 Q. Are those two separate manuals?

9 A. Well, at one time it was a real big, thick
02:07PM 10 book, but it got too big so they decided to separate
11 them.

12 Q. So there was an EDPro financial manual and then
13 a EDPro human resources manual?

14 A. Yes.

02:07PM 15 Q. Did you use both of those manuals?

16 A. Yes.

17 Q. And did you have them both at your desk?

18 A. Yes.

19 Q. Did you have your own office?

02:08PM 20 A. Towards the end I did, but until then I did
21 not.

22 Q. Did you share an office?

23 A. Yes.

24 Q. With whom?

02:08PM 25 A. When I first began, with Pam Christopher, and

1 then with Susie Briscoe and then with Brenda Wilkerson
2 and then Talina McElhany and Kelly Hampton.

3 Q. Were these all client liaisons?

4 A. No.

02:08PM 5 Q. Which ones were not?

6 A. Brenda Wilkerson was not, she was QC, and
7 Susie Briscoe was a trainer, and she became a client
8 liaison. Kelly Hampton was a trainer and became a
9 client liaison, and then the whole time I shared the
02:09PM 10 office with Talina, she was a client liaison.

11 Q. What about Pam Christopher?

12 A. Pam was.

13 Q. A client liaison?

14 A. The whole time I shared the office with her,
02:09PM 15 yes. She began as a trainer also, but when I came, she
16 was already a liaison.

17 Q. Was client liaison a position higher than the
18 trainer?

19 A. No.

02:09PM 20 Q. They were peers?

21 A. Yes.

22 Q. Was it a more desired position at Tyler based
23 on your perception?

24 MS. BAGLEY: Object to form.

02:09PM 25 Q. You can answer.

1 MS. BAGLEY: You can answer if you
2 understand.

3 A. Was it a more desired position?

4 Q. Right.

02:09PM 5 A. Not necessarily, but it was to me because I
6 didn't want to travel and be away from my family that
7 much.

8 Q. And the trainers had to do that?

9 A. Yes.

02:09PM 10 Q. Because they were actually on site at the
11 schools?

12 A. Yes.

13 Q. That's not something you typically had to do?

14 A. No.

02:10PM 15 Q. Is it something you ever had to do?

16 A. Yes.

17 Q. In what circumstances would you travel to the
18 schools?

19 A. Two different times. There was -- well, one
02:10PM 20 of the trainer's sons got ill, and she couldn't go, and
21 I went in her place, and then one time all of the
22 trainers were out at schools, and there was no one else
23 to go, so I went. I did go -- then later I did go to
24 the planning meetings with Chandra and with Richard
02:10PM 25 Fritz just so they could introduce me as the client

1 go to the copy machine and copy a document, like part of
2 the manual if there was an update, and I had to make a
3 copy of it and punch it and put it in my notebook, or,
4 you know, recording the Bridge Track issues, that kind
02:19PM 5 of stuff.

6 Q. That all falls into the definition of --

7 A. Into miscellaneous, yes.

8 Q. That all falls under the definition of general
9 operations?

02:19PM 10 A. Yes.

11 Q. And these staff meetings that are referenced
12 here, those you had periodically?

13 A. Yes.

14 Q. And were those attended by the other client
02:19PM 15 liaisons?

16 A. Yes.

17 Q. Anyone else?

18 A. The trainers.

19 Q. What were the purposes of these staff meetings?

02:19PM 20 A. The manager just called them to kind of review
21 what was going on, what kind of problems were we having,
22 what kind of problems were the customers having. The
23 trainers could report when they had been out, that kind
24 of stuff.

02:19PM 25 Q. So you would make a report at those meetings

1 about the types of problems you were seeing?

2 A. Yes.

3 Q. And I think I asked this but just to make sure:

4 You would be getting -- in the support function, you

02:20PM 5 might be getting calls from different customers that you

6 had helped with the conversion?

7 A. Yes.

8 Q. Look at the third page, 553, at the end.

9 A. Yes.

02:20PM 10 Q. It says "training seminars via WebEx"?

11 A. Yes.

12 Q. What does that refer to?

13 A. The trainers would do training for the

14 customers, and sometimes we would go in and sit in on

02:20PM 15 those just to hear the questions that the customers had.

16 Q. So WebEx means you were attending via the

17 Internet?

18 A. Yes.

19 Q. Would you see the actual training session?

02:21PM 20 A. Yes.

21 Q. So there was a live trainer there?

22 A. The trainer would -- like we'd be in a

23 conference room like this, and she would actually have

24 the training session on her computer, and the clients

02:21PM 25 would dial in, and they had to get a number from WebEx.

1 At that time it went to live meeting, and that gave them
2 access to it, and then they had to either have a
3 microphone on their computer or use their phones.

4 Q. So this would be kind of remote training that
02:21PM 5 the customer would have. Instead of the trainer coming
6 to the customer's site, they would do it over the web?

7 A. Yes.

8 Q. And you would sit in on those training
9 sessions?

02:21PM 10 A. Yes.

11 Q. Did you do any of the training yourself during
12 those sessions?

13 A. No.

14 Q. Did you ever have any input?

02:21PM 15 A. Yes.

16 Q. What kind of input would you have?

17 A. Well, if they asked a question, you know,
18 about -- well, I'll just give an example. If the
19 trainer asked me to, then I would tell them how to do
02:22PM 20 what they were asking to do.

21 Q. Are there particular questions that a customer
22 might ask you would field rather than the trainer?

23 A. I don't remember.

24 Q. The next page, Page 554, talks about -- one of
02:22PM 25 the entries is "personal absences"?

1 A. Yes.

2 Q. It says 16 hours, but there is only seven
3 written in. Do you know why that is?

4 A. We were allowed 16 hours a year.

02:22PM 5 Q. I see. So that refers to the total allotment?

6 A. Yes.

7 Q. And that's not something you would have typed
8 in, the 16 hours?

9 A. No. When I typed in 1015, that would
02:22PM 10 automatically come in there.

11 MR. MCKEEBY: Can we go off the record for
12 a second?

13 MS. BAGLEY: Yes.

14 (Recess.)

02:30PM 15 Q. I wanted to ask you a little bit about the
16 training that you did. I think you said you did that at
17 Brown County?

18 A. Yes, sir.

19 Q. And also once at West county?

02:30PM 20 A. No, the school was West.

21 Q. The name of the school was West?

22 A. Yes.

23 Q. Was it a high school?

24 A. It was just a little school district called
02:30PM 25 West.

1 Q. Did you ever lead that WebEx training?

2 A. No.

3 Q. That was always done by a trainer?

4 A. Yes.

02:36PM 5 Q. Did your manager tell you why you were -- that
6 he or she wanted you to attend a particular WebEx
7 training?

8 A. Yes.

9 Q. And would there be any consistency in the
02:36PM 10 reasons?

11 A. Yes.

12 Q. Why would they want you to attend?

13 A. Just to -- sometimes it was just to -- it was
14 training for me also, but sometimes it was just to hear
02:36PM 15 what the customers -- the questions the customers were
16 asking.

17 Q. For the purposes of you being able to answer
18 them, or so that you had a sense of what was out there?

19 A. That.

02:37PM 20 Q. The latter?

21 A. Yes, the latter.

22 Q. And in that sense, you were being trained to
23 have a -- be on the lookout for particular problems that
24 you might encounter in the future?

02:37PM 25 A. Yes.

1 Q. Because you were also able to see how the
2 trainer responded to those particular questions?

3 A. Yes.

4 Q. Would you take notes when you were at these
02:37PM 5 WebEx trainings?

6 A. Yes.

7 Q. Just like in a notebook?

8 A. Like in a yellow tablet.

9 Q. Did you ever have occasion to use those notes
02:37PM 10 in fielding a question later on from a customer?

11 A. Yes.

12 Q. Were there other client liaisons who attended
13 these WebEx trainings?

14 A. Yes.

02:37PM 15 Q. Were they with you in the trainings, or were
16 they attending separate trainings or both?

17 A. Or both.

18 Q. Both?

19 A. Yes, both. I mean, I can't remember. If the
02:38PM 20 managers asked us to come, if there was more than one of
21 us, we both came.

22 Q. So it wouldn't be unusual for a trainer to do a
23 WebEx training and for you and Talina McElhany to both be
24 in the room during the training?

02:38PM 25 A. Right. But then there were times when Talina

1 McElhany had a customer she was working with, and she
2 was not free to come to the WebEx training, and I would
3 and she wouldn't and vice versa.

4 Q. Got it. If you would go to Beall 558. Are you
02:38PM 5 with me?

6 A. Yes.

7 Q. That one has a reference for "other absence (VP
8 approved in advance)." I take it that means you had
9 approval from your manager to miss some particular period
02:39PM 10 of time.

11 A. Yes.

12 Q. What's the difference between that and a
13 personal absence, just that the personal absence hadn't
14 been approved ahead of time?

02:39PM 15 A. I really can't remember what this other
16 absence was.

17 Q. Okay. But can you tell me why you would code a
18 particular absence with the 1010 number as opposed to the
19 1015 number?

02:39PM 20 A. Because my manager told me to.

21 Q. Okay. And that's what you think the reason was
22 in this instance?

23 A. Yes. That's the only time I would use that.
24 In looking at this, during this week was the Christmas
02:39PM 25 party?

1 Q. Right. That's entered down here as 7205.

2 A. And I know that the vice president said after
3 the Christmas party we could go home, and it wouldn't be
4 eight hours, so they would give us that time.

02:40PM 5 Q. What does that mean?

6 A. I mean, like the -- I mean, like if we
7 finished at, say, 2:00, then the other three hours the
8 vice president said, go home, you don't need to come
9 back, and so that's when they told us to put that there.

02:40PM 10 Q. The "other absence (VP approved in advance)"?

11 A. Yes.

12 Q. So on personal absences, in the next column
13 when you're putting in .50 for Monday, does that mean you
14 left early or you had an errand to run or something like
02:40PM 15 that?

16 A. Yes, I came in late that day.

17 Q. I see. That's why it's .50 hours?

18 A. Yes.

19 Q. And the same with Friday where instead of 8:00
02:41PM 20 o'clock it's 815, does that account for the .25?

21 A. Yes.

22 Q. Also in this time sheet, there is an account
23 number for "resolving customer problem." Do you see
24 that?

02:41PM 25 A. Yes.